

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

09-CR-0392-A
ORDER

KEITH SIMMONS,

Defendant.

On April 4, 2013, the Court sentenced the Defendant to 97 months' imprisonment and three years' supervised release following his plea of guilty to one count of engaging in a continuing criminal enterprise, in violation of 21 U.S.C. § 848(a). The Defendant's sentence was later reduced to 75 months' imprisonment as a result of a retroactive amendment to the U.S. Sentencing Guidelines. The Defendant has been on supervision for approximately two-and-a-half years.

The Defendant has now filed a motion for early termination of his supervision. See Docket No. 57. A court may reduce a term of supervised release if a defendant has served at least one year of supervised release and if the Court is satisfied, after considering the factors set forth in 18 U.S.C. § 3553(a), "that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1).

The Defendant's primary argument for early termination is that supervised release has made it difficult to find better-paying employment, and that better-paying employment would reduce financial stress on his mother. The Defendant currently works two jobs, and the letters from his employers that are attached to his motion show that the Defendant

is hard-working, diligent, and reliable. Moreover, the Defendant has not tested positive for narcotics while on supervised release, and he has otherwise been compliant with the terms of his supervision. In light of these facts, neither the Probation Office nor the Government object to the Defendant's early-termination request.

After considering the factors set forth at 18 U.S.C. § 3553(a), as well as the facts set forth in the Defendant's motion, the Court concludes that an additional six months of supervised release would be more than is necessary to accomplish the goals of sentencing. The Defendant's motion is therefore granted, and his term of supervised release is terminated.

SO ORDERED.

Dated: April 17, 2018
Buffalo, New York

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE